



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher K. Murphy
Serial No. : 09/925,824
Filed : August 9, 2001
Title : HIGH THROUGHPUT SCREEN FOR INHIBITORS OF THE FOLATE
BIOSYNTHETIC PATHWAY IN BACTERIA

Art Unit : 1636
Examiner : Nancy S. Vogel

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicant hereby requests that the Patent Term Adjustment (PTA) for the above-identified application be reconsidered. Applicant believes that the PTA of 280 days calculated for the above application is incorrect and that the PTA to which Applicant is entitled is 460 days. This request is proper in that it is being submitted with payment of the issue fee.

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~~03 FC:1463 200.00 DP~~

09/14/2006 WASFAW2 00000102 09925824
01 FC:1455 200.00 DP

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REVIEW OF PATENT TERM ADJUSTMENT CALCULATIONS

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the PTA as follows:

- 1) The PTO mailed a Notice to File Missing Parts on September 17, 2001.
Applicant's response is entered on March 4, 2002. The PAIR system indicates an Applicant Delay of 77 days. Applicant does not dispute this calculation herein.
- 2) The PTO mailed a delayed first action on May 18, 2004, thereby according a PTO Delay of 587 days. Applicant does not dispute this calculation herein.
- 3) Applicants submitted a response to the above-referenced action on July 19, 2004. The PAIR system indicates a receipt date of July 19, 2004, for the Request for Extension of Time filed with the response, but does not acknowledge receipt of the response itself until November 23, 2004, thereby according an Applicant Delay of 97 days. Applicant respectfully disagrees with this calculation, and hereby requests its reconsideration.
- 4) Due to the inaccurate receipt date of Applicant's response to the first action, the PTO does not calculate a PTO delay for its second action, which was mailed on February 10, 2005, more than 4 months from the actual receipt date of Applicant's first response. Applicant respectfully disagrees with this calculation, and hereby requests its reconsideration.
- 5) The PTO further calculates Applicant Delays of 36, 90, and 7 days for later Applicant filings, whose calculations Applicant does not dispute herein.
- 6) The PTO calculates a total PTO Delay of 587 days and a total Applicant Delay of 307 days, for a total PTA of 280 days. Applicant respectfully submits that the PTO's calculation of Applicant Delay contains an error and that the correct total Applicant Delay is 210 days. Further, Applicant respectfully submits that the PTO's calculation of PTO Delay contains an error and that the correct total PTO Delay is 670, thus yielding a total PTA of 460 days.

CONCLUSION

In consideration of the events described above, Applicant believes the PTA calculation of 280 days is incorrect. Applicants respectfully request reconsideration of the patent term adjustment in the following manner:

1) Total PTO Delay should be calculated as 670 days (for delayed first and second actions); and

2) Total Applicant Delay should be calculated as 210 days (for delayed responses).

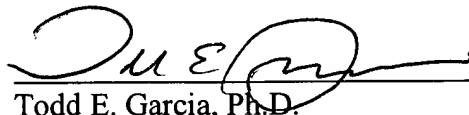
Therefore, Applicants respectfully request a decrease in Applicant Delay from 307 days to 210 days; an increase in PTO Delay from 587 days to 670 days; and an increase in the Total PTA from 280 to 460 days.

The above-identified application is not subject to a terminal disclaimer.

Enclosed is a check for the fee of \$200 required under 37 CFR §1.18(e). Please apply any other required charges or credits to Deposit Account No. 06-1050, referencing attorney-docket no. 15132-292001.

Respectfully submitted,

Date: 9/12/06



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